

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

VERNON H. ANDREWS,

Plaintiff,

-against-

3:14-CV-0851 (LEK/DEP)

DENNIS ROWLAND, *et al.*,

Defendants.

ORDER

This matter comes before the Court following a Report-Recommendation filed on January 9, 2015, by the Honorable David E. Peebles, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 12 (“Report-Recommendation”). *Pro se* Plaintiff Vernon Andrews (“Plaintiff”) timely filed Objections. Dkt. No. 14 (“Objections”).

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” FED. R. CIV. P. 72(b); L.R. 72.1(c). If no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. Chylinski v. Bank of Am., N.A., 434 F. App’x 47, 48 (2d Cir. 2011); Barnes v. Prack, No. 11-CV-0857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013); Farid v. Bouey, 554 F. Supp. 2d 301, 306-07 & n.2 (N.D.N.Y. 2008); see also Machicote v. Ercole, No. 06 Civ. 13320, 2011 WL 3809920, at *2 (S.D.N.Y. Aug. 25, 2011) (“[E]ven a *pro se* party’s objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate’s proposal, such that no party be allowed a second bite at the apple by simply relitigating a prior

argument.”). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b).

Plaintiff’s Objections do not address specific aspects of Magistrate Judge Peebles’ findings. Rather, Plaintiff merely reiterates allegations from his Amended Complaint and requests that the case remain open so he can return to work. See generally Obj. Accordingly, the Court has reviewed the Report-Recommendation for clear error and has found none.

Accordingly, it is hereby:

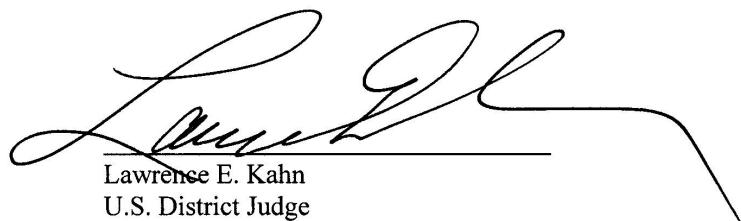
ORDERED, that the Report-Recommendation (Dkt. No. 12) is **APPROVED and ADOPTED in its entirety**; and it is further

ORDERED, that Plaintiff’s Amended Complaint (Dkt. No. 8) is **DISMISSED** for failure to state a claim upon which relief may be granted, without leave to replead, and with a certificate that any appeal from the Court’s dismissal would not be taken in good faith; and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order on Plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: April 22, 2015
Albany, New York



Lawrence E. Kahn
U.S. District Judge